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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,023	11/29/1999	WILLIAM A. GINDLESERGER	085919.00004	7046
33448	7590	11/30/2005		
ROBERT J. DEPKE LEWIS T. STEADMAN Trexler, Bushnell, Glanglorgi, Blackstone & Marr 105 West Adams Street, Suite 3600 Chicago, IL 60603-6299			EXAMINER FELTEN, DANIEL S	
			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/450,023

Applicant(s)

GINDLESPERGER, WILLIAM A.

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/19/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of claims*

1. Receipt of Applicant's amendment filed September 19, 2005 amending claim 1 is acknowledged. Claim 1 is the only claim pending in the application and is presented to be examined based upon its merits.

### *Response to Arguments*

2. The applicant has amended the claim to include the following claim language:

"receiving a plurality of vendor records, *the vendor records corresponding to each of a plurality of vendors in a pool of vendors...*"

the applicant is respectfully asked to read the following section in Walker:

"Seller database 260 maintains data on *sellers* (emphasis added) with fields such as name, contact information..." (see Walker, column 13, line 11)

It is interpreted by the Examiner that Walker discloses that the seller database maintains vendor records of a pool of sellers (or vendors), not just one.

The examiner has provided new art below to more clearly address the assertion that there is no step of automatically comparing via a computer processor the vendor records and specifically the vendor capability data to the job data.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 5,794,207) in view of Gionvannoli (US 5,842,178)

Walker discloses a method by bidding by vendors of customized goods or services (see col. 10, ll. 31+), comprising steps of:

Receiving a plurality of vendor records, each of said vendor records the vendor records corresponding to each of a plurality of vendors in a pool of vendors (see seller database 260, col. 13, ll. 11-14) each of said vendor records having vendor identifier data representing a vendor, and vendor capability data identifying a plurality of capabilities for said vendor to provide a customized good or service (see col. 13, ll. 11-22);

Receiving job data (CPO) from a buyer, said data having a buyer identifier data, and job descriptor data which specifies a plurality of characteristics of said customized good or service for which said buyer wishes a price quote or bid (see col. 8, ll. 42-56);

Automatically identifying via computer processor at least one subset from the pool of vendors (see col. 18, ll. 15-33);

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receiving bid response data from at least one of said vendors received which received said solicitation, said bid response data identifying each of the vendors from which it was received and bid price (see col. 18, ll. 15-33); and

outputting to said buyer said bid response data (see col. 18, ll. 15-33)

Walker discloses that the CPO is posted to the *appropriate* subject area (and thus vendors) by the central controller which makes it easier for sellers to find appropriate CPOs that coincide with the goods and/or services that they provide (see col. 18, ll. 15-33). Walker fails to disclose, per se, *automatically* comparing vendor records to said job data (CPO description data), wherein said comparing includes comparing each of said plurality of characteristics for said customized good or service.

Giovannoli discloses a computerized quotation system and method that is processed to automatically select vendors that meet the conditions of prospective buyers and allows vendors to register their preferences for sale and/or purchase of items (see col. 5, ll. 12-39 and col. 7, ll. 3-52).

It would have been obvious for an artisan of ordinary skill in the art at the time of the invention to modify Walker to include automatically comparing characteristics of the CPO (or Job) with the capabilities of the vendors and transmit a solicitation to only a selected pool of sellers (or sellers) based upon the teachings of Giovannoli because one of ordinary skill in the art would recognize that such a modification would be an obvious extension to the Walker

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teaching of communicating the CPO to the *most appropriate* sellers, confirming the ability of the seller to “deliver the goods”, and provide the sellers with a filtering system to communicate jobs to sellers that are the most appropriate based upon their preferences.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

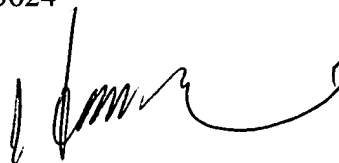
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF  
November 22, 2005

Daniel S Felten  
Examiner  
Art Unit 3624



HANI M. KAZIMI  
PRIMARY EXAMINER